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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,028	09/11/2002	Kirk Barker	29370.20	7563

27683   7590   09/25/2003

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EXAMINER
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ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 09/25/2003

2

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.		Applicant(s)	
Office Action Summary	10/065,028		BARKER ET AL.	
	Examiner		**Art Unit**	
	Joseph T Phan		2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>11 September 2002</u> .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-23</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-23</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   **Claims 1-23 rejected under 35 U.S.C. 102(b) as being anticipated by Bar et**

al., Patent #6,122,665.

        <u>**Regarding claim 1, Bar**</u> teaches a method for on-demand recording of a voice

session by a telephone recording device in a telecommunication network, the method

comprising:

establishing a voice session between the telephone recording device(10,13 Fig.1 and

13 Fig.6) and at least one communication device(108 Fig.6, col.7 lines 18-26 col.8 lines

24-65, and col.14 lines 1-22);

instructing the telephone recording device to store voice data during the voice

session so long as the voice session has not been terminated (col.6 line 66-col.9 line 7

and col.8 lines 24-65); and

processing the voice data by the telephone recording device to be transmitted

to and saved at a storage server without going through a centrally located

exchange device, wherein the saved voice data is available for on-demand replay

(col.8 lines 24-65).

Regarding claim 2, Bar teaches the method of claim 1 further comprising duplicating the voice data at the telephone recording device and storing in a memory buffer device contained therein(col.8 lines 24-65).

Regarding claim 3, Bar teaches the method of claim 1 further comprising: temporarily storing the processed voice data in a memory buffer device in a storage server; and persistently storing the temporarily stored voice data in the storage server only after the instruction for recording is received(col.8 lines 24-65).

Regarding claim 4, Bar teaches the method of claim 1 wherein the processing further comprises digitizing the voice data (col.8 line 49-col.9 line 7, col.13 lines 25-64, and col.14 lines 1-22).

Regarding claim 5, Bar teaches the method of claim 1 wherein the instruction to store the voice data is initiated by a user of the telephone recording device through the recording device (col.6 line 66-col.7 line 24).

Regarding claim 6, Bar teaches the method of claim 1 wherein the voice session is carried out through a local switch device which serves both the telephone recording device and the communication device without involving a centrally located exchange device(col.8 lines 24-65).

Regarding claim 7, Bar teaches the method of claim 1 wherein the voice session is carried out through two local switch devices directly connected therewith, a first local switch device servicing the telephone recording device and a second local switch device servicing the communication device(Fig.6,Fig.8, col.7 lines 18-26, col.8 lines 24-65, and col.14 lines 1-22);.

Regarding claim 8, Bar teaches the method of claim 7 wherein the first local

switch device is connected to the storage server(26,30 Fig.1).

Regarding claim 9, Bar teaches the method of claim 7 wherein the first local

switch device is connected to a call manager server for managing the voice session

(10,13 Fig.1).

Regarding claim 10, Bar teaches a system for on-demand recording of voice

data, comprising:

at least one local switch device for establishing a voice session between a

communication device(108 Fig.6) and a telephone recording device (10,13 Fig.1);

a storage server connected to the local switch device for saving the voice data

sent by the telephone recording device(30, 32 Fig.1);

a save initiator for dynamically initiating the voice data recording during the

voice session, wherein the telephone recording device processes and transmits the

voice data to the storage server through the local switch device without involving a

centrally located exchange device (col.6 line 66-col.7 line 24 and col.8 lines 24-65).

Regarding claim 11, Bar teaches the system of claim 10 wherein the centrally

located exchange device is a private branch exchange (PBX) (Fig.1 and Fig.6).

Regarding claim 12, Bar teaches the system of claim 10 wherein the local switch

device is a hub device (106 Fig.6 and Fig.7).

Regarding claim 13, Bar teaches the system of claim 10 wherein the local switch

device is a local switch (Fig.6 and Fig.7).

Regarding claim 14, Bar teaches the system of claim 10 wherein the telephone

recording device includes a processor for digitizing the voice data (col.14 lines 1-22).

Regarding claim 15, Bar teaches the system of claim 10 wherein the save

initiator is on the telephone recording device (22 Fig.1).

Regarding claim 16, Bar teaches a telephone recording device used in an

on-demand voice data recording system, comprising:

means for establishing a voice session with a communication device through

communications with at least one local switch device(col.6 line 66-col.7 line 24 and col.8

lines 24-65);

a save initiator on the telephone recording device for dynamically initiating the voice

data recording during the voice session (22 Fig.1 and col.7 lines 1-41);

processing means for digitizing the voice data into a digital form and storage buffering

means for saving the digitized voice data(col.8 line 49-col.9 line 7, col.13 lines 25-64,

and col.14 lines 1-22);

transmission module for sending the digitized voice data from the storage buffering

means to a storage server connected to the local switch device without involving a

centrally located exchange device (Fig.6, col.8 line 49-col.9 line 7, col.13 lines 25-64,

and col.14 lines 1-22).

Regarding claim 17, Bar teaches a system for on-demand recording of voice

data, the system comprising:

a telephone recording device connected to a first local switch device(Fig.2);

at least one communication device(108 Fig.7) connected to a second local switch

device for establishing a voice session with the telephone recording device through a

communication link between the first and second local switch device(Fig.7);

a save initiator for dynamically initiating the voice data recording during the

voice session(col.8 line 49-col.9 line 7, col.13 lines 25-64, and col.14 lines 1-22); and

a storage server connected to the first local switch device for saving the voice

data sent by the telephone recording device(30 Fig.2), wherein the telephone recording

device processes and transmits the voice data to the storage server through the first

local switch device without involving a centrally located exchange device(col.8 line 49-

col.9 line 7, col.13 lines 25-64, and col.14 lines 1-22).

Regarding claim 18, Bar teaches a system for peer-to-peer on-demand

recording of voice data, the system comprising:

a telephone recording device and at least one communication device connected

to a local switch device(col.6 line 66-col.9 line 7, col.8 lines 24-65, and col.14 lines 1-

22), the telephone recording device having:

a save initiator for dynamically initiating the voice data recording after a voice

session is established between the telephone recording device and the

communication device(22 Fig.1 and Fig.6); and

processing means for packetizing the voice data and memory buffer for temporarily

storing the voice data(col.8 line 49-col.9 line 7, col.13 lines 25-64, and col.14 lines 1-

22); and storage server connected to the local switch device for storing the temporarily

saved voice data sent by the telephone recording device (30 Fig.2).

Regarding claim 19, Bar teaches the system of claim 18 further comprising a replay means on the telephone recording system for playing back the stored voice data(col.8 lines 24-65).

Regarding claim 20, Bar teaches the system of claim 18 wherein the memory buffer is on the telephone recording device (Fig.2).

Regarding claim 21, Bar teaches the system of claim 18 wherein the memory buffer is on the storage server (30 Fig.2).

Regarding claim 22, Bar teaches a method for storing a peer-to-peer telephone conversation session between a coordinating user using a telephone recording device and at least one regular user using at least one communication device which does not have a recording feature(col.14 lines 1-22), the method comprising: establishing the peer-to-peer telephone conversation session between the telephone recording device(13 Fig.6) and the communication device(108 Fig.6) through a local switch device(106 Fig.6 and col.14 lines 1-22); temporarily saving voice data of the session in a memory buffer of the telephone recording device(col.8 lines 24-65); and instructing, before the session ends, the telephone recording device to store the temporarily saved voice data in a storage server connected to the local switch device(col.6 line 66-col.9 line 7 and col.8 lines 24-65).

Regarding claim 23, Bar teaches the method of claim 20 further comprising replaying the stored voice data(col.8 lines 24-65).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T Phan whose telephone number is 703-305-3206. The examiner can normally be reached on M-TH 8:30-6:30, in every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

JTP
September 8, 2003

FAN TSANG
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